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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,416	04/12/2001	Arthur James Tysor	AUS920000873US1	1628

7590 11/24/2003

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,416

Applicant(s)

TYSOR, ARTHUR JAMES

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis.

Regarding claim 1 Lewis teaches a method of tracking available service plan minutes for a user of a cellular phone (see col. 2, lines 45-47 and col. 6, lines 1-7). Lewis teaches recording service plan information on a cellular phone (see col. 5, lines 50-53). Lewis teaches monitoring minute usage for calls on a cellular telephone (see col. 5, lines 60-63). Lewis teaches displaying available minutes of a service plan on a display of a cellular phone (see col. 5, lines 60-65 and col. 6, lines 34-38).

Regarding claim 2 Lewis teaches prompting a user for input of service plan information when an available minute menu option is selected (see col. 6, lines 2-6 & 10-12).

Regarding claim 3 Lewis teaches storing service plan information in a memory of a cellular phone (see col. 5, lines 50-53).

Regarding claim 4 Lewis teaches service plan information that includes a number of peak period minutes and off-peak period minutes (see col. 6, lines 13-16). Lewis teaches separately monitoring peak period minutes and off-peak period minutes (see col. 9, lines 40-42 & 62-63). Lewis teaches displaying a first available minutes output associated with peak period minutes

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and a second available minutes output associated with off-peak period minutes (see col. 10, lines 24-26 & 27-29).

Regarding claim 5 Lewis teaches displaying only first available minutes output during a clock time associated with peak period minutes and displays only a second available minutes output during a next clock time associated with off-peak minutes (see col. 9, lines 44-45 & 64-65 and FIG. 4).

Regarding claim 6 Lewis teaches outputting an alert signal when available minutes reaches a pre-selected threshold (see col. 10, lines 3-8).

Regarding claim 7 Lewis teaches displaying a graphical representation of available minutes and wherein an alert signal includes flashing a graphical representation (see col. 12, lines 15-20).

Regarding claim 8 Lewis teaches displaying a numerical output (see col. 6, lines 34-38).

Regarding claim 9 Lewis teaches a cellular phone comprising a processor and associated memory, and a display device (see col. 5, lines 46-50, col. 6, lines 34-36 and FIG. 2). Lewis teaches a program code for tracking available service plan minutes for a user of a cellular phone (see col. 2, lines 45-47 and col. 6, lines 1-7). Lewis teaches recording service plan information on a cellular phone (see col. 5, lines 50-53). Lewis teaches monitoring minute usage for calls on a cellular telephone (see col. 5, lines 60-63). Lewis teaches displaying available minutes of a service plan on a display of a cellular phone (see col. 5, lines 60-65 and col. 6, lines 34-38).

Regarding claim 10 Lewis teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

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Regarding claim 10 Lewis teaches a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 11 Lewis teaches a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 12 Lewis teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 13 Lewis teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 14 Lewis teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 15 Lewis teaches a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 16 Lewis teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 17 Lewis teaches a service provider (see col. 12, lines 56-57). Lewis teaches at least one cellular telephone provided cellular service via a service provider (see col. 1, lines 12-15). Lewis teaches tracking minute usage for calls on a cellular phone (see col. 2, lines 45-47 and col. 6, lines 1-7). Lewis teaches providing a user of a cellular phone with a display of available minutes of a service plan on a display of a cellular phone (see col. 5, lines 60-65 and col. 6, lines 34-38).

Regarding claim 19 Lewis teaches a cellular phone comprising a processor and associated memory, and a display device (see col. 5, lines 46-50, col. 6, lines 34-36 and FIG. 2). Lewis

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teaches a program code for tracking available service plan minutes for a user of a cellular phone (see col. 2, lines 45-47 and col. 6, lines 1-7). Lewis teaches recording service plan information on a cellular phone (see col. 5, lines 50-53). Lewis teaches monitoring minute usage for calls on a cellular telephone (see col. 5, lines 60-63). Lewis teaches displaying available minutes of a service plan on a display of a cellular phone (see col. 5, lines 60-65 and col. 6, lines 34-38).

Regarding claim 20 Lewis teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Raith.

Regarding claim 18 Lewis teaches a device as recited in claim 17 except for monitoring minute usage at a database of a service provider of a service plan; and transmitting an available minutes output to a cellular phone at a termination of each call, wherein a display includes transmitted available minutes output. Lewis does teach teaches monitoring minute usage for calls on a cellular telephone (see col. 5, lines 60-63). Lewis does teach tracking available minutes output to a cellular phone at a termination of each call (see col. 3, lines 17-19, wherein a display includes transmitted available minutes output (see col. 3, lines 25-28). Raith teaches monitoring minute usage at a database of a service provider of a service plan and transmitting

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that information (see col. 4, lines 32-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include monitoring minute usage at a database of a service provider of a service plan; and transmitting an available minutes output to a cellular phone at a termination of each call, wherein a display includes transmitted available minutes output because this would allow for improved wireless communications usage monitoring and control apparatus compatible with a variety of rate structures.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steele U.S. Patent Application 6,564,047 discloses advanced air-time management.

Wise U.S. Patent Application 5,826,185 discloses a cellular phone system wherein the air-time use is predetermined.

Abdella U.S. Patent Application 6,044,258 discloses a system and method for updating a time remaining value.

Henon U.S. Patent Application 6,577,717 discloses broadcasting of different tariff periods in a telephone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

November 10, 2003



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600